

United States Environmental Protection Agency
Region 10
Office of Air Quality
1200 Sixth Avenue
Seattle, Washington 98101



AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE

Permit Number: **R10-T5-WA-03**

Issue Date: **FINAL** April 23, 2004
Effective Date: June 9, 2004
Expiration Date: June 9, 2009
Replaces Permit: N/A (This is the initial permit issuance)

In accordance with the provisions of Title V of the Clean Air Act and 40 CFR Part 71 and applicable rules and regulations,

Pace International, L.L.C.

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit. This source is authorized to operate in the following locations:

5661 Branch Road (Main Facility) Latitude: 46.405° Longitude: 120.498°
3800 Branch Road ("Cascade" Facility) Latitude: 46.405° Longitude: 120.458°
Wapato, Washington
Yakama Reservation

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act. The language of the cited regulation takes precedence over paraphrasing except the text of terms specified pursuant to any of the following sections is directly enforceable: section 304(f)(4) of the Federal Clean Air Act, 40 CFR §§ 71.6(a)(i)(3)(B and C), 71.6(a)(3)(ii), and 71.6(b), or any other term specifically identified as directly enforceable. The permit number cited above should be referenced in future correspondence regarding this facility.

L. John Iani, Regional Administrator

Date

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Abbreviations and Acronyms

bf	Board foot (one “board foot” equals lumber that is 12 inches by 12 inches by 1 inch)
Btu	British thermal units
C	Celsius degrees
CAA	Clean Air Act [42 U.S.C. section 7401 et seq.]
CAM	Compliance assurance monitoring
CFR	Code of Federal Regulations
CO	Carbon monoxide
EIP	Economic Incentives Programs
EPA	United States Environmental Protection Agency (also U.S. EPA)
FR	Federal Register
gal	Gallon
gr/dscf	Grains per dry standard cubic foot (7,000 grains = 1 pound)
HAP	Hazardous air pollutant
hp	Horsepower
hr	Hour
I.D. No.	Identification number
° K	Kelvin degrees
kg	Kilogram
kPa	KiloPascal
lb	Pound
m	One thousand
MACT	Maximum Achievable Control Technology
Mg	Megagram
mm	One million
mo	Month
MSDS	Material safety data sheet
msf	Thousand square feet
MVAC	Motor vehicle air conditioner
ng/J	nanograms per joule
NESHAP	National Emission Standards for Hazardous Air Pollutants (Title 40 CFR Parts 61 and 63)
NO _x	Nitrogen oxides
NSPS	New Source Performance Standard (Title 40 CFR Part 60)
NSR	New source review
PAL	Plantwide Applicability Limitation
PM	Particulate matter
PM ₁₀	Particulate matter less than or equal to 10 microns in aerodynamic diameter
ppm	Parts per million
PSD	Prevention of significant deterioration
psia	Pounds per square inch absolute
PTE	Potential to emit
RMP	Risk management plan
SNAP	Significant New Alternatives Program
SO ₂	Sulfur dioxide
tpy	Tons per year
VMT	Vehicle miles traveled
VOC	Volatile organic compound
VOL	Volatile organic liquid

I. Source Identification

The information in section I is for informational purposes only.

Company Mailing Address:	Plant Mailing Address:
Pace International, L.L.C. 1101 Western Ave., Suite 807 Seattle, WA 98104	5661 Branch Road Wapato, WA 98951

Plant Location:	5661 Branch Road (Main Facility) Latitude: 46.405° Longitude: 120.498° 3800 Branch Road ("Cascade" Facility) Latitude: 46.405° Longitude: 120.458° Wapato, Yakima County, Washington Yakama Reservation
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Company Contact:	Plant Manager/ Responsible Official:
Gregory Keyes, Process Engineer Phone: 509-848-3300 Fax: 509-848-3149 gregk@paceint.com	Edmund Huang, Vice President of Manufacturing, Development and Labs Phone: 509-848-1222 Fax: 509-848-3149

Tribe: Confederated Tribes and Bands of the Yakama Nation
Reservation: Yakama
Tribal Contact: Rose Lee, Air Quality Specialist
Phone: 509-865-4565
Fax: 509-865-5522
rose@yakama.com

AFS Plant Identification Number: 53-077-00075

Facility Standard Industrial Classification Codes:	2874	Manufacturing phosphatic fertilizer materials. (AgroTech Leffingwell® Products (foliar nutrients))
	2899	Manufacturing miscellaneous chemical preparations, not elsewhere classified. (Shield-Brite® Products (post harvest))
	2879	Formulation and preparation of ready-to-use agricultural and household pest control chemicals from technical chemicals or concentrates. (Deadline® and other products)

Other Clean Air Act Permits: none

II. Requirements for Specific Units

Emission Unit WAP-3b: VOL Tank SBS-14 and Tank SBS-13

A. Recordkeeping Requirements

The permittee shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. The permittee shall keep this record for the life of the source.

[40 CFR §§ 60.110b(a), (b) and (c); 60.116b(a) and (b)]

III. Facility-Wide Requirements

Chemical Accident Prevention Program

The permittee shall comply with the requirements of the Chemical Accident Prevention Provisions at 40 CFR Part 68 no later than the latest of the following dates:

1. Three years after the date on which a regulated substance, present above the threshold quantity in a process, is first listed under 40 CFR § 68.130; or,
2. The date on which a regulated substance is first present above a threshold quantity in a process.

[40 CFR § 68.10]

B. Stratospheric Ozone and Climate Protection

The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR part 82, subpart F, except as provided for motor vehicle air conditioners (MVACs) in 40 CFR part 82, subpart B:

Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR § 82.156.

Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR § 82.158.

Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR § 82.161.

Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR § 82.166. ("MVAC-like appliance" is defined at 40 CFR § 82.152.)

Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR § 82.156.

Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR § 82.166.

[40 CFR part 82, subpart F]

3. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the permittee must comply with all the applicable requirements as specified in 40 CFR Part 82, subpart B, Servicing of Motor Vehicle Air Conditioners.

[40 CFR part 82, subpart B]

C. Asbestos Removal and Disposal

The permittee shall comply with 40 CFR Part 61, subpart M when conducting any renovation or demolition at the facility.

[40 CFR part 61, subpart M]

D. Modifications Exempt from PSD Review Under 40 CFR § 52.21(a)(2)(iv)(c) Actual to Projected Actual Test

Where there is a reasonable possibility that a project (other than projects at a Clean Unit or at a source with a PAL) that is not a part of a major modification may result in a significant emissions increase and the permittee elects to use the method specified in 40 CFR § 52.21(b)(41)(ii)(a) through (c) for calculating projected actual emissions, the permittee shall:

Before beginning actual construction of the project, document and maintain a record of the following information:

- (a) A description of the project;
 - (b) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and
 - (c) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph 40 CFR § 52.21(b)(41)(ii)(c) and an explanation for why such amount was excluded, and any netting calculations, if applicable.
4. Monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in paragraph III.D.1.b; and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated NSR pollutant at such emissions unit.
 5. Submit a report to the EPA if the annual emissions, in tons per year, from the project identified in paragraph III.D.1, exceed the baseline actual emissions as documented and maintained pursuant to paragraph III.D.1.c by a significant amount (as defined in 40 CFR § 52.21(b)(23)) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to in permit term III.D.1.c. Such report shall be submitted to the EPA within 60 days after the end of such year. The report shall contain the following:
 - The name, address and telephone number of the major stationary source;
 - The annual emissions as calculated pursuant to paragraph III.D.2; and
 - Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

[40 CFR § 52.21(r)(6)]

IV. General Testing Requirements

A. Testing

In addition to the specific testing requirements contained in this permit, the permittee shall comply with the following generally applicable testing requirements whenever conducting a performance test required by this permit unless specifically stated otherwise in this permit:

Submit to EPA a source test plan 45 days prior to any required testing. The source test plan shall include and address the following elements:

- Purpose and scope of testing;
- Source description, including a description of the operating scenarios and mode of operation during testing and including fuel sampling and analysis procedures;

Schedule/Dates of testing;

Process data to be collected during the test and reported with the results, including source-specific data identified in section II (if any);

Sampling and analysis procedures, specifically requesting approval for any proposed alternatives to the reference test methods, and addressing minimum test length (e.g., one hour, 8 hours, 24 hours, etc.) and minimum sample volume;

Sampling location description and compliance with the reference test methods;

Analysis procedures and laboratory identification;

Quality assurance plan;

Calibration procedures and frequency;

Sample recovery and field documentation;

Chain of custody procedures;

QA/QC project flow chart;

Data processing and reporting;

Description of data handling and QC procedures;

Report content and timing.

6. Unless EPA determines in writing that other operating conditions are representative of normal operations or unless specified in section II, the source shall be operated at a capacity of at least 90% but no more than 110% of maximum during all tests.
7. Only regular operating staff may adjust the processes or emission control devices during or within 2 hours prior to the start of a source test. Any operating adjustments made during a source test, that are a result of consultation during the tests with source testing personnel, equipment vendors, or consultants, may render the source test invalid.
8. For the duration of each test run (unless otherwise specified), the permittee shall record the following information:
 - All data which is required to be monitored in section II (if any) during the test;
 - All continuous monitoring system data which is required to be routinely monitored in sections II and III (if any) for the emission unit being tested.
9. Each source test shall follow the reference test methods specified by this permit and consist of at least three (3) valid test runs. Alternatives to the reference test methods specified in section II (if any), other than approved alternatives noted in that section, must be requested in writing, 30 days prior to testing, and approved by EPA in writing prior to testing.
10. Facilities for performing and observing the emission testing shall be provided that meet the requirements of 40 CFR 60.8(e) and Reference Method 1 (40 CFR Part 60, Appendix A).

[40 CFR §§ 71.6(a)(3)(i), 40 CFR §§ 71.6(c)(1)]

V. General Recordkeeping Requirements

Recordkeeping

In addition to the specific recordkeeping requirements contained in this permit, the permittee shall comply with the following generally applicable recordkeeping requirements:

The permittee shall keep records of required monitoring information that include the following:

The date, place, and time of sampling or measurements;

The date(s) analyses were performed;

The company or entity that performed the analyses;

The analytical techniques or methods used;
The results of such analyses; and,
The operating conditions as existing at the time of sampling or measurement.

[40 CFR § 71.6(a)(3)(ii)(A)]

11. The permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

[40 CFR § 71.6(a)(3)(ii)(B)]

VI. General Reporting Requirements

Reporting

In addition to the specific reporting requirements contained in this permit, the permittee shall comply with the following generally applicable reporting requirements:

The permittee shall submit to EPA reports of any required monitoring for each six month reporting period from July 1 to December 31 and from January 1 to June 30, except that the first reporting period shall begin on the effective date of this permit and end on December 31. All reports shall be submitted to EPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with paragraph VI.B.

[40 CFR § 71.6(a)(3)(iii)(A)]

12. The permittee shall promptly report to EPA, by telephone or facsimile, deviations from permit conditions, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. For the purposes of section VI of the permit, prompt is defined as follows:

Any definition of prompt or a specific time frame for reporting deviations provided in an underlying applicable requirement as identified in this permit.

Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:

- (i) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
- (ii) For emissions of any regulated pollutant excluding those listed in paragraph VI.A.2.b(1) above, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours of the occurrence.
- (iii) For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in paragraph VI.A.1.

[40 CFR § 71.6(a)(3)(iii)(B)]

13. For the purposes of paragraph VI.A.2 above, the permittee shall report deviations using the following numbers:

Telephone: (206) 553-4273
Facsimile: (206) 553-0110
Attn: Part 71 Deviation Report

[40 CFR § 71.6(a)(3)(iii)(B)]

14. Within 10 working days of the occurrence of a deviation as provided in paragraph VI.A.2.b(i) or (ii) above, the permittee shall also submit a written notice to EPA, certified consistent with paragraph VI.B. of this permit.

[40 CFR § 71.6(a)(3)(iii)(B)]

15. For the purposes of section VI of this permit, deviation means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or record keeping required by this permit. For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

A situation when emissions exceed an emission limitation or standard;

A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;

A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit;

A situation where any testing, monitoring, recordkeeping or reporting required by this permit is not performed or not performed as required; and,

A situation in which an exceedance or an excursion, as defined in 40 CFR Part 64, occurs.

[40 CFR § 71.6(a)(3)(iii)(C)]

16. Source test emission data shall be reported as the arithmetic average of all valid test runs and in the terms of any applicable emission limit, unless otherwise specified in section II.

[40 CFR §§ 71.6(a)(3)(iii), 40 CFR §§ 71.6(c)(1)]

17. The permittee shall provide EPA at least 30 days prior notice of any performance test, except as specified under other subparts, to afford EPA the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the permittee shall notify EPA as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the EPA by mutual agreement.

[40 CFR §§ 71.6(a)(3)(iii), 40 CFR §§ 71.6(c)(1)]

18. Emission test reports shall be submitted to EPA within 60 days of completing any emission test required by this permit along with items required to be recorded in paragraph IV.A.4 above.

[40 CFR §§ 71.6(a)(3)(iii), 40 CFR §§ 71.6(c)(1)]

E. Document Certification

Any document required to be submitted under this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[40 CFR § 71.5(d), § 71.6(c)(1) and § 71.9(h)(2)]

19. Any documents required to be submitted under this permit, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to:

Part 71 Air Quality Permits

U.S. EPA - Region 10, OAQ 107
1200 Sixth Avenue
Seattle, WA 98101

[40 CFR § 71.5(d), § 71.6(c)(1) and § 71.9(h)(2)]

VII. Compliance Requirements

Compliance with the Permit

The permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance constitutes a violation of the Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal.

[40 CFR § 71.6(a)(6)(i)]

20. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

[40 CFR § 71.6(a)(6)(ii)]

21. For the purpose of submitting compliance certifications in accordance with paragraph VII.B. of this permit, or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[section 113(a) and 113(e)(1) of the CAA, 40 CFR § 51.212, § 52.12, § 52.33, § 60.11(g), and § 61.12.]

F. Compliance Certification

The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by January 30 of each year and covering the previous calendar year except that the first certification shall cover the period from the effective date of this permit through December 31. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with paragraph VI.B of this permit.

[40 CFR § 71.6(c)(5)]

22. The certification shall include the following¹:

The identification of each permit term or condition that is the basis of the certification.

- (d) The identification of the method(s) or other means used by the permittee for determining the compliance status with each term and condition during the certification period. Such methods and other means shall include, at a minimum, the methods and means required in this permit. If necessary, the permittee also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information.
- (e) The status of compliance with each term and condition of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent.

¹ Blank forms for reporting purposes are available at <http://www.epa.gov/air/oaqps/permits/p71forms.html>

23. The certification shall be based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 occurred.

[40 CFR § 71.6(c)(5)(iii)]

G. Emergency Provisions

In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

An emergency occurred and that the permittee can identify the cause(s) of the emergency;
The permitted facility was at the time being properly operated;
During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and,
The permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of paragraph VI.A.2 of this permit, concerning prompt notification of deviations.

[40 CFR § 71.6(g)]

24. In any enforcement proceeding the permittee attempting to establish the occurrence of an emergency has the burden of proof.

[40 CFR § 71.6(g)]

25. An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

[40 CFR § 71.6(g)]

H. Compliance Schedule

For applicable requirements with which the source is in compliance, the permittee will continue to comply with such requirements.

[40 CFR § 71.6(c)(3) and § 71.5(c)(8)(iii)(A)]

26. For applicable requirements that will become effective during the permit term, the permittee shall meet such requirements on a timely basis.

[40 CFR § 71.6(c)(3) and § 71.5(c)(8)(iii)(B)]

I. Monitoring Emission Units after Shutdown

The permittee is not required to conduct the specified monitoring and associated recordkeeping for any emission unit for periods when the emission unit did not operate (e.g., if the monitoring requires recording pressure drop daily, such readings would not be required for any full day in which the emission unit did not operate for the full day), provided the following conditions are met:

The permittee makes a contemporaneous record in a log or file maintained on site of the date and time that the emission unit ceased operation and the reason why the emission unit did not

operate;

The permittee makes a contemporaneous record in a log or file maintained on site of the date and time that the emission unit resumed operation, if applicable;

The periodic report of monitoring required by 40 CFR 71.6(a)(3)(iii)(A) and paragraph VI.A.1 includes a summary of the period or periods when the emission unit did not operate.

[40 CFR § 71.6(a)(9)]

VIII. Payment of Fees

Fees

The permittee shall pay an annual permit fee in accordance with the procedures outlined below.

[40 CFR § 71.9(a)]

No later than November 15 of each year, the permittee shall submit full payment of the annual permit fee for the preceding calendar year.

[40 CFR § 71.9(h)]

- J. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency.

[40 CFR § 71.9(k)(1)]

- K. The permittee shall send fee payment and a completed fee filing form to:

Mellon Bank
U. S. EPA Region 10
P. O. Box 360903M
Pittsburgh, PA 15251

[40 CFR § 71.9(k)(2)]

- L. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by November 15 of each year to the address listed in paragraph VI.B.2 of this permit.²

[40 CFR § 71.9(h)(1)]

- M. Basis for calculating annual fee:

The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all “regulated pollutants (for fee calculation)”³ emitted from the source by the presumptive emission fee⁴ (in dollars/ton) in effect at the time of calculation.

[40 CFR § 71.9(c)(1)]

²The permittee should note that an annual emissions report (see permit condition IX), required at the same time as the fee calculation worksheet by 40 CFR § 71.9(h), has been incorporated into the fee calculation worksheet form which is available from EPA’s website at:

<http://www.epa.gov/airprog/oar/oaqps/permits/p71forms.html>

³The term “regulated pollutant (for fee calculation)” is defined in 40 CFR § 71.2.

⁴The presumptive emission fee (per ton fee) amount is revised each calendar year to account for inflation and is available from EPA prior to the start of each calendar year.

27. “Actual emissions” means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation), as defined in 40 CFR § 71.2, emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit’s actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year.
[40 CFR § 71.9(c)(6)]
28. Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data.
[40 CFR § 71.9(h)(3)]
29. If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures.
[40 CFR § 71.9(e)(2)]
30. The permittee shall exclude the following emissions from the calculation of fees:
- The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year;
[40 CFR § 71.9(c)(5)(i)]
- (f) Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation; and
[40 CFR § 71.9(c)(5)(ii)]
- (g) The insignificant quantities of actual emissions not required to be listed or calculated in a permit application pursuant to 40 CFR 71.5(c)(11).
[40 CFR § 71.9(c)(5)(iii)]
31. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official in accordance with paragraph VI.B of this permit.⁵
[40 CFR § 71.9(h)(2)]
32. The permittee shall retain in accordance with the provisions of paragraph V.A.2 of this permit, all work sheets and other materials used to determine fee payments. Records shall be retained for five years following the year in which the emissions data is submitted.
[40 CFR § 71.9(i)]
33. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with 40 CFR § 71.9(l).
[40 CFR § 71.9(l)]
34. The permittee, when notified by EPA of additional amounts due, shall remit full payment within 30 days of receipt of an invoice from EPA.
[40 CFR § 71.9(j)(2)]

⁵The permittee should note that the fee calculation worksheet form incorporates a section that includes this requirement. Forms are available at <http://www.epa.gov/air/oaqps/permits/p71forms.html>

35. If the permittee thinks an EPA assessed fee is in error and wishes to challenge such fee, the permittee shall provide a written explanation of the alleged error to EPA along with full payment of the EPA assessed fee.

[40 CFR § 71.9(j)(3)]

IX. Annual Emissions Inventory

The permittee shall submit an annual emissions report of its actual emissions for the preceding calendar year. The annual emissions report shall be certified by a responsible official and shall be submitted each year to EPA by November 15 of each year. The annual emissions report shall be submitted to EPA at the address listed in paragraph VI.B.2 of this permit.⁶

[40 CFR § 71.9(h)(1) and (2)]

X. Standard Terms and Conditions

Duty to Provide and Supplement Information

The permittee shall furnish to EPA, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential must be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B.

[40 CFR § 71.6(a)(6)(v), § 71.5(a)(3)]

36. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information.

[40 CFR § 71.5(b)]

N. Severability Clause

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

[40 CFR § 71.6(a)(5)]

O. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

[40 CFR § 71.6(a)(6)(iv)]

P. Inspection and Entry

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow EPA or an authorized representative to perform the following:

Enter upon the permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

[40 CFR § 71.6(c)(2)]

⁶The permittee should note that an annual emissions report, required at the same time as the fee calculation worksheet by 40 CFR § 71.9(h), has been incorporated into the fee calculation worksheet.

XI. Permit Changes

Permit Actions

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

[40 CFR § 71.6(a)(6)(iii)]

Q. Administrative Permit Amendments

The permittee may request the use of administrative permit amendment procedures for a permit revision that:

Corrects typographical errors.

Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source.

Requires more frequent monitoring or reporting by the permittee.

Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the EPA.

Incorporates into the part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of 40 CFR § 71.7 and § 71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in § 71.6.

Incorporates any other type of change which EPA has determined to be similar to those listed above in paragraphs XI.B.1.a through XI.B.1.e.

[40 CFR § 71.7(d)]

R. Minor Permit Modifications

The permittee may request the use of minor permit modification procedures only for those modifications that:

Do not violate any applicable requirement.

Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit.

Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.

Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and

An alternative emission limit approved pursuant to regulations promulgated under section 112(i)(5) of the Clean Air Act.

Are not modifications under any provision of title I of the Clean Air Act.

Are not required to be processed as a significant modification.

[40 CFR § 71.7(e)(1)(i)(A)]

37. Notwithstanding the list of changes ineligible for minor permit modification procedures in paragraph XI.C.1 above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading,

and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

[40 CFR § 71.7(e)(1)(i)(B)]

38. An application requesting the use of minor permit modification procedures shall meet the requirements of 40 CFR § 71.5(c) and shall include the following:

A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

The source's suggested draft permit;

Certification by a responsible official, consistent with 40 CFR § 71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

Completed forms for EPA to use to notify affected States as required under 40 CFR § 71.8.

[40 CFR § 71.7(e)(1)(ii)]

39. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until EPA takes any of the actions authorized by 40 CFR § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

[40 CFR § 71.7(e)(1)(v)]

40. The permit shield under 40 CFR § 71.6(f) does not extend to minor permit modifications.

[40 CFR § 71.7(e)(1)(vi)]

S. Group Processing of Minor Permit Modifications

Group processing of modifications by EPA may be used only for those permit modifications:

That meet the criteria for minor permit modification procedures under paragraph XI.C.1 of this permit; and

That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in 40 CFR § 71.2, or 5 tons per year, whichever is least.

[40 CFR § 71.7(e)(2)(i)]

41. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of 40 CFR § 71.5(c), and shall include the following:

A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

The source's suggested draft permit.

Certification by a responsible official, consistent with § 71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.

A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under paragraph XI.D.1.b above.

Completed forms for the permitting authority to use to notify affected States as required under 40 CFR § 71.8.

[40 CFR § 71.7(e)(2)(ii)]

42. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by 40 CFR § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

[40 CFR § 71.7(e)(2)(v)]

43. The permit shield under 40 CFR § 71.6(f) does not extend to group processing of minor permit modifications.

[40 CFR § 71.7(e)(1)(vi)]

T. Significant Permit Modifications

The permittee must request the use of significant permit modification procedures for those modifications that:

Do not qualify as minor permit modifications or as administrative amendments.

Are significant changes in existing monitoring permit terms or conditions.

Are relaxations of reporting or recordkeeping permit terms or conditions.

[40 CFR § 71.7(e)(3)(i)]

44. Nothing herein shall be construed to preclude the permittee from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant.

[40 CFR § 71.7(e)(3)(i)]

45. The permittee must submit an application for a significant permit modification using standard application forms provided by EPA.⁷

[40 CFR § 71.5(c)]

46. For the application to be determined complete, the permittee must supply all information that is required by the standard application form, but only that information that is related to the proposed change.

[40 CFR § 71.7(e)(3)]

U. Reopening for Cause

The permit may be reopened by EPA and the permit revised prior to expiration under any of the following circumstances:

Additional applicable requirements under the Act become applicable to a major part 71 source with a remaining permit term of 3 or more years.

Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the EPA, excess emissions offset plans shall be deemed to be

⁷Note to permittee: Use the same forms used for initial source application.

incorporated into the permit.

EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

[40 CFR § 71.7(f)]

V. Off Permit Changes

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

Each change is not addressed or prohibited by this permit.

Each change shall meet all applicable requirements and shall not violate any existing permit term or condition. Changes under this provision may not include changes subject to any requirement of 40 CFR parts 72 through 78 or modifications under any provision of Title I of the Clean Air Act.

The permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under 40 CFR § 71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.

The permit shield does not apply to changes made under this provision.

The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

[40 CFR § 71.6(a)(12)]

W. Emissions Trading and Operational Flexibility

The permittee is allowed to make a limited class of changes under section 502(b)(10) of the Clean Air Act within this permitted facility that contravene the specific terms of this permit without applying for a permit revision, provided the changes do not exceed the emissions allowable under this permit (whether expressed therein as a rate of emissions or in terms of total emissions) and are not Title I modifications. This class of changes does not include:

Changes that would violate applicable requirements; or

Changes that would contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

[40 CFR § 71.6(a)(13)(i)]

47. The permittee is required to send a notice to EPA at least 7 days in advance of any change made under this provision. The notice must describe the change, when it will occur and any change in emissions, and identify any permit terms or conditions made inapplicable as a result of the change. The permittee shall attach each notice to its copy this permit.

[40 CFR § 71.6(a)(13)(i)(A)]

48. Any permit shield provided under 40 CFR § 71.6(f) does not apply to changes made under this provision.

[40 CFR § 71.6(a)(13)(i)(B)]

X. Permit Expiration and Renewal

This permit shall expire upon the earlier occurrence of the following events:

Five (5) years elapses from the date of issuance; or

The source is issued a part 70 or part 71 permit by the Yakama Nation under an EPA approved or delegated permit program.

[40 CFR § 71.6(a) (11)]

49. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least six months, but not more than 18 months, prior to the date of expiration of this permit.

[40 CFR § 71.5(a)(1)(iii)]

50. If the permittee submits a timely and complete permit application for renewal, consistent with 40 CFR § 71.5(a)(2), but EPA has failed to issue or deny the renewal permit, then all the terms and conditions of the permit, including any permit shield granted pursuant to 40 CFR § 71.6(f) shall remain in effect until the renewal permit has been issued or denied. This permit shield shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.

[40 CFR § 71.7(c)(3), § 71.7(b)]

51. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review.

[40 CFR § 71.7(c)(1)]

52. The application to EPA for renewal shall include the current permit number, a description of permit revisions and off-permit changes that occurred during the permit term and were not incorporated into the permit during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

[40 CFR § 71.5(a)(2) and § 71.5(c)(5)]

XII Permit Shield

Compliance

Compliance with the terms and conditions of this permit shall be deemed compliance with the applicable requirements specifically listed in this permit as of the date of permit issuance.

[40 CFR § 71.6(f)(1)(i)]

Y. Shield Limits

Nothing in this permit shall alter or affect the following:

The provisions of section 303 of the Clean Air Act (emergency orders), including the authority of the EPA under that section;

The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;

The applicable requirements of the acid rain program, consistent with section 408(a) of the Clean Air Act; or,

The ability of the EPA to obtain information under section 114 of the Clean Air Act.

[40 CFR § 71.6(f)(3)]